

IN THE DISTRICT COURT OF OKMULGEE COUNTY  
STATE OF OKLAHOMA

**FILED**  
IN DISTRICT COURT  
DEC 16 2020

OKMULGEE COUNTY, OKLAHOMA  
By CHARLY CRINER, Court Clerk  
Deputy

PENNY FARLEY and DAVID  
FARLEY,

Plaintiffs,

v.

BEN WADE and EAN HOLDINGS,  
LLC d/b/a ENTERPRISE RENT-A-  
CAR,

Defendants.

**CJ-2020-152**

Case No.

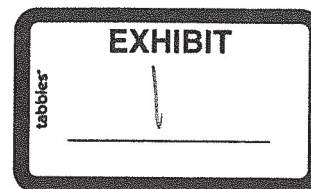
**PETITION**

COME NOW Plaintiffs Penny Farley and David Farley and for their Petition and claims against the Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car, alleges and states as follows:

1. Plaintiff Penny Farley is a resident of Henryetta, Oklahoma.
2. Plaintiff David Farley is a resident of Henryetta, Oklahoma.
3. Defendant Ben Wade is a resident of Sulphur Springs, Texas.
4. Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car is limited liability company doing business in Oklahoma with a location at 6111 S. Sheridan Rd., Tulsa, Oklahoma 74133.
5. The collision at issue occurred in Okmulgee County, Oklahoma.

**Object and Nature of Action**

6. This is an action by Plaintiffs to recover actual and punitive damages due to the negligence, gross negligence, and reckless disregard for the safety of others, including the Plaintiffs, on the part of Defendants Ben Wade and EAN Holdings, LLC



d/b/a Enterprise Rent-A-Car which resulted in the February 3, 2019 collision at Highway 75 and Main Street, Okmulgee County, Oklahoma and caused injuries to Plaintiffs.

**Safety Rules that Must Be Followed**

7. Drivers must drive in a careful and non-reckless manner with due regard for the safety of others, in order to protect everyone on the road from serious injury and death.

8. Drivers must stop at stoplights in order to prevent collisions and protect everyone on the road from serious injuries.

9. Drivers must pay full time and attention to their driving in order to prevent collisions and protect everyone on the road from serious injuries.

**Facts**

10. On February 3, 2019, Defendant Ben Wade was driving a Dodge Caravan owned by Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car.

11. Defendant Ben Wade was traveling southbound on Highway 75 in Henryetta, Okmulgee County, Oklahoma.

12. Defendant Ben Wade ran a stop light and hit Plaintiffs' vehicle.

13. Defendant Ben Wade violated the safety rules cited above, and likely others not yet identified, as included in industry standards, and Oklahoma Rules of the Road statutes.

14. Plaintiffs Penny Farley and David Farley suffered significant personal injuries.

**Negligence of Defendant Ben Wade**

15. Plaintiffs hereby incorporate Paragraphs 1-14 by reference.

16. Defendant Ben Wade was negligent in his driving, and his negligence was a direct cause of the collision with Plaintiffs' vehicle and the resulting damage to Plaintiffs' vehicle and personal injuries to Plaintiffs, Penny Farley and David Farley.

**Negligence of Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car**

17. Plaintiffs hereby incorporate Paragraphs 1-16 by reference.

18. At the time of the collision, the vehicle being driven by Defendant Ben Wade was owned and/or operated by Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car.

19. At the time of the collision, Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car had given Defendant Ben Wade permission to drive the vehicle.

20. Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car had the right and ability to permit, or prohibit, the use of the vehicle driven by Defendant Ben Wade on the public roadways the day of the collision at issue.

21. Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car had a duty to ensure that Defendant Ben Wade was a safe and prudent driver before allowing Defendant Ben Wade to drive the vehicle on public roadways.

22. Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car's conduct was negligent separate and independent of Defendant Ben Wade's negligence.

23. Defendant EAN Holdings, LLC d/b/a Enterprise Rent-A-Car negligently entrusted their vehicle to Defendant Ben Wade.

**Punitive Damages Claim Against Defendants Ben Wade and EAN Holdings, LLC  
d/b/a Enterprise Rent-A-Car**

24. The actions of Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car were willful and wanton and in reckless disregard for the safety of others, and/or were grossly negligent.

25. As a direct and proximate result of the wrongful conduct of Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car, Plaintiffs have sustained damages in excess of \$75,000.00, and are also entitled to punitive damages.

**Damages**

26. As a direct and proximate result of Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car's, negligence, Plaintiff Penny Farley, suffered damages as follows:

- a. Past and future medical expenses;
- b. Past and future physical pain and suffering;
- c. Past and future mental pain and suffering, and mental anguish associated with and due to the physical injuries received in the collision;
- d. Lost Wages; and,
- e. Other damages to be set forth after discovery.

27. As a direct and proximate result of Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car's, negligence, Plaintiff David Farley, suffered damages as follows:

- a. Past and future medical expenses;
- b. Past and future physical pain and suffering;
- c. Past and future mental pain and suffering, and mental anguish associated with and due to the physical injuries received in the collision;
- d. Other damages to be set forth after discovery.

28. Because Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car acted with reckless disregard for the safety and rights of Plaintiffs, and acted with reckless disregard for the safety of all Oklahomans, Plaintiffs therefore request that the jury in this case provide a verdict including punitive damages in an amount necessary to punish and deter the Defendants from this type of conduct.

WHEREFORE Plaintiffs, Penny Farley and David Farley, pray for an award of actual and punitive damages against the Defendants Ben Wade and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car in an amount in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. § 1332, plus costs, interest, and such other and further relief as the Court shall deem proper.

ATTORNEY'S LIEN CLAIMED

Respectfully submitted,



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